

REMARKS

The present application includes pending claims 1-14 and 36-49, all of which have been rejected. By this Amendment, claims 1 and 36 have been amended.

Claims 1, 3-10, 12-14, 36, 38-45 and 47-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2005/0028208 ("Ellis"). Claims 2 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of U.S. 2004/0003051 ("Krzyzanowski"). Claims 11 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of U.S. 6,665,384 ("Daum"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

The Office Action states the following:

The applicant argues that Ellis does not disclose creating a user defined schedule using the television and pushing the media to the second location. The examiner disagrees, in paragraph[s] 99-100 of the reference, Ellis teaches using the first device to setup on the second device program guide features such as video recordings, parental controls, and favorites. These features allow the first computer to create a schedule of media that the peripheral can record or allow to be displayed. The applicant further argues that these limitation[s] amount to "creating a media lineup," but that idea is not clearly located in the claim. It only indicates creating a schedule and pushing media to a second peripheral based on the schedule. The idea of scheduling a VCR to record a certain station at a certain time reads on this limitation.

See October 2, 2008 Office Action at page 7. However, the claims do not recite that a user is scheduling programs for recording. Instead, the claims recite that media is

pushed from one location to another via a user-defined schedule of media. The claims have been amended to clarify this concept.

That is, claim 1 has been amended to recite, in part, “creating a **user-defined schedule of media stored at the first location** using the television at the first location; and **pushing media from the first location to the at least one media peripheral at the second location** according to the user-defined schedule of media created at the first location.” Claim 36 has been amended in a similar fashion. Thus, the claims are clear that a user at a first location defines and creates a schedule of media, not just a command to record a program that is to be broadcast or indicating a reminder for a particular program. Media is then pushed from the first location to the at least one media peripheral at the second location according to the user-defined media lineup created at the first location.

The Office Action relies on Ellis at ¶¶ 99 -100 with respect to these limitations. These paragraphs of Ellis disclose the following:

In an illustrative system configuration using Internet service system 61, remote program guide access device 24 is a user's personal computer at work, Internet service system 61 is a web server at a cable system headend, and user television equipment 22 at the user's home contains a set-top box on which the user's program guide is implemented. Using this arrangement, the user may access features of the program guide such as **setting reminders or notifications, viewing listings, program recording, setting favorites, parental control, sending messages, polling for status, or any other suitable function.** For example, if a child in the user's home desires permission to watch a parentally controlled program while the user is at work, the user may access a suitable web page provided by Internet service system 61 that allows the user to enter a password and

adjust the program guide parental control settings. The changed settings allowing the child access to the desired program are then automatically transferred from Internet service system 61 to user television equipment 22, while the user is still at work.

As another example, the user at work may interact with the program guide on user television equipment 22 via Internet service system 61 **to select programs for recording** on the user's home videocassette recorder, or to **schedule program reminders** that will appear on the user's home television or remote program guide access device **just before a program is broadcast.**

Ellis at ¶¶ 99 -100 (emphasis added). As shown above, the cited portion of Ellis discloses that a user may set reminders with respect to programs that are being broadcast and to select broadcast programs to record. Further, the cited portion of Ellis discloses that a user may adjust parental controls to allow a child to watch a broadcast program. However, there is nothing in the cited portion of Ellis that describes, teaches or suggests that the user his/herself schedules media that is to be sent from his/her location to another location. That is, while the cited portion of Ellis discloses that a user may select programs to record or reminders for particular programs, it does not describe, teach or suggest that the user schedules media to be broadcast. Further, even if one assumes that selecting programs to record is scheduling a media lineup, there is nothing in the cited portions of Ellis that describe, teach or suggest that a media is pushed from a first location to a media peripheral at a second location according to the user-defined schedule of media.

Thus, the Applicants respectfully submit that the portions of Ellis relied on by the Office Action (namely ¶¶ 99-100) do not describe, teach or suggest "creating a **user-**

defined schedule of media stored at the first location using the television at the first location; and **pushing media from the first location to the at least one media peripheral at the second location according to the user-defined schedule of media created at the first location.**” as recited in claim 1, for example. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 1, 3-10, 12-14, 36, 38-45 and 47-49 as being unpatentable over Ellis.

For at least the reasons discussed above, the Applicants respectfully request reconsideration of the rejection of claims 2 and 37 as being unpatentable over Ellis in view of Krzyzanowski and claims 11 and 46 as being unpatentable over Ellis in view of Daum.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a future rejection).

The Applicants respectfully request reconsideration of the claim rejections. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

Appln. No.: 10/672,648
Amendment Under 37 C.F.R. § 1.116
November 14, 2008

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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